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SENATE BILL 6385

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State of Washington 57th Legislature

2002 Regular Session

By Senators Rasmussen, Long, Kastama, Winsley, Eide, Franklin, Shin, Hargrove, McCaslin, Morton, Swecker, Fairley, Honeyford, Brown, Gardner and Oke

Read first time 01/16/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to endangerment of children and dependent persons  
2 with a controlled substance; amending RCW 9A.42.010, 13.34.132, and  
3 43.43.830; reenacting and amending RCW 9.94A.515; adding new sections  
4 to chapter 9A.42 RCW; prescribing penalties; and declaring an  
5 emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.42 RCW  
8 to read as follows:

9 A person is guilty of the crime of endangerment with a controlled  
10 substance in the first degree if the person knowingly or intentionally  
11 permits a child or dependent adult to be exposed to, ingest, inhale, or  
12 have contact with a controlled substance, chemical substance, or drug  
13 paraphernalia and thereby causes bodily injury, substantial bodily  
14 harm, or great bodily harm. Endangerment with a controlled substance  
15 in the first degree is a class B felony.

16 It is an affirmative defense that the person acted pursuant to a  
17 lawful prescription and in the manner prescribed.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 9A.42 RCW  
2 to read as follows:

3        A person is guilty of the crime of endangerment with a controlled  
4 substance in the second degree if the person knowingly or intentionally  
5 causes or permits a child or dependent adult to be exposed to, ingest,  
6 inhale, or have contact with a controlled substance, chemical  
7 substance, or drug paraphernalia.    Endangerment with a controlled  
8 substance in the second degree is a class C felony.

9        It is an affirmative defense that the person acted pursuant to a  
10 lawful prescription and in the manner prescribed.

11        **Sec. 3.**    RCW 9A.42.010 and 1997 c 392 s 508 are each amended to  
12 read as follows:

13        As used in this chapter:

14        (1) "Basic necessities of life" means food, water, shelter,  
15 clothing, and medically necessary health care, including but not  
16 limited to health-related treatment or activities, hygiene, oxygen, and  
17 medication.

18        (2)(a) "Bodily injury" means physical pain or injury, illness, or  
19 an impairment of physical condition;

20        (b) "Substantial bodily harm" means bodily injury which involves a  
21 temporary but substantial disfigurement, or which causes a temporary  
22 but substantial loss or impairment of the function of any bodily part  
23 or organ, or which causes a fracture of any bodily part;

24        (c) "Great bodily harm" means bodily injury which creates a high  
25 probability of death, or which causes serious permanent disfigurement,  
26 or which causes a permanent or protracted loss or impairment of the  
27 function of any bodily part or organ.

28        (3) "Chemical substance" means a substance used as a precursor in  
29 the manufacture of a controlled substance or any other chemical which  
30 was intended to be used in the manufacture of a controlled substance.

31        (4) "Child" means a person under eighteen years of age.

32        (~~(4)~~) (5) "Controlled substance" means a controlled substance as  
33 defined in RCW 69.50.101.

34        (6) "Dependent person" means a person who, because of physical or  
35 mental disability, or because of extreme advanced age, is dependent  
36 upon another person to provide the basic necessities of life.    A  
37 resident of a nursing home, as defined in RCW 18.51.010, a resident of  
38 an adult family home, as defined in RCW 70.128.010, and a frail elder

1 or vulnerable adult, as defined in RCW 74.34.020(~~(+8)~~) (13), is  
2 presumed to be a dependent person for purposes of this chapter.

3 ~~((+5))~~ (7) "Drug paraphernalia" means drug paraphernalia as  
4 defined in RCW 69.50.102.

5 (8) "Employed" means hired by a dependent person, another person  
6 acting on behalf of a dependent person, or by an organization or  
7 governmental entity, to provide to a dependent person any of the basic  
8 necessities of life. A person may be "employed" regardless of whether  
9 the person is paid for the services or, if paid, regardless of who pays  
10 for the person's services.

11 ~~((+6))~~ (9) "Parent" has its ordinary meaning and also includes a  
12 guardian and the authorized agent of a parent or guardian.

13 ~~((+7))~~ (10) "Abandons" means leaving a child or other dependent  
14 person without the means or ability to obtain one or more of the basic  
15 necessities of life.

16 **Sec. 4.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s  
17 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to  
18 read as follows:

19 TABLE 2

20 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

21 XVI	Aggravated Murder 1 (RCW 10.95.020)
22 XV	Homicide by abuse (RCW 9A.32.055)
23	Malicious explosion 1 (RCW 70.74.280(1))
24	Murder 1 (RCW 9A.32.030)
25 XIV	Murder 2 (RCW 9A.32.050)
26 XIII	Malicious explosion 2 (RCW 70.74.280(2))
27	Malicious placement of an explosive 1 (RCW
28	70.74.270(1))
29 XII	Assault 1 (RCW 9A.36.011)
30	Assault of a Child 1 (RCW 9A.36.120)
31	Malicious placement of an imitation device
32	1 (RCW 70.74.272(1)(a))
33	Rape 1 (RCW 9A.44.040)
34	Rape of a Child 1 (RCW 9A.44.073)

1 XI Manslaughter 1 (RCW 9A.32.060)  
2 Rape 2 (RCW 9A.44.050)  
3 Rape of a Child 2 (RCW 9A.44.076)  
4 X Child Molestation 1 (RCW 9A.44.083)  
5 Indecent Liberties (with forcible  
6 compulsion) (RCW 9A.44.100(1)(a))  
7 Kidnapping 1 (RCW 9A.40.020)  
8 Leading Organized Crime (RCW  
9 9A.82.060(1)(a))  
10 Malicious explosion 3 (RCW 70.74.280(3))  
11 Manufacture of methamphetamine (RCW  
12 69.50.401(a)(1)(ii))  
13 Over 18 and deliver heroin,  
14 methamphetamine, a narcotic from  
15 Schedule I or II, or flunitrazepam  
16 from Schedule IV to someone under 18  
17 (RCW 69.50.406)  
18 Sexually Violent Predator Escape (RCW  
19 9A.76.115)  
20 IX Assault of a Child 2 (RCW 9A.36.130)  
21 Controlled Substance Homicide (RCW  
22 69.50.415)  
23 Explosive devices prohibited (RCW  
24 70.74.180)  
25 Hit and Run--Death (RCW 46.52.020(4)(a))  
26 Homicide by Watercraft, by being under the  
27 influence of intoxicating liquor or  
28 any drug (RCW 79A.60.050)  
29 Inciting Criminal Profiteering (RCW  
30 9A.82.060(1)(b))  
31 Malicious placement of an explosive 2 (RCW  
32 70.74.270(2))  
33 Over 18 and deliver narcotic from Schedule  
34 III, IV, or V or a nonnarcotic, except  
35 flunitrazepam or methamphetamine, from  
36 Schedule I-V to someone under 18 and 3  
37 years junior (RCW 69.50.406)  
38 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)  
2 Vehicular Homicide, by being under the  
3 influence of intoxicating liquor or  
4 any drug (RCW 46.61.520)

5 VIII Arson 1 (RCW 9A.48.020)  
6 Deliver or possess with intent to deliver  
7 methamphetamine (RCW  
8 69.50.401(a)(1)(ii))  
9 Homicide by Watercraft, by the operation of  
10 any vessel in a reckless manner (RCW  
11 79A.60.050)

12 Manslaughter 2 (RCW 9A.32.070)  
13 Manufacture, deliver, or possess with  
14 intent to deliver amphetamine (RCW  
15 69.50.401(a)(1)(ii))  
16 Manufacture, deliver, or possess with  
17 intent to deliver heroin or cocaine  
18 (RCW 69.50.401(a)(1)(i))  
19 Possession of Ephedrine, Pseudoephedrine,  
20 or Anhydrous Ammonia with intent to  
21 manufacture methamphetamine (RCW  
22 69.50.440)

23 Promoting Prostitution 1 (RCW 9A.88.070)  
24 Selling for profit (controlled or  
25 counterfeit) any controlled substance  
26 (RCW 69.50.410)

27 Theft of Anhydrous Ammonia (RCW 69.55.010)  
28 Vehicular Homicide, by the operation of any  
29 vehicle in a reckless manner (RCW  
30 46.61.520)

31 VII Burglary 1 (RCW 9A.52.020)  
32 Child Molestation 2 (RCW 9A.44.086)  
33 Dealing in depictions of minor engaged in  
34 sexually explicit conduct (RCW  
35 9.68A.050)

36 Drive-by Shooting (RCW 9A.36.045)  
37 Homicide by Watercraft, by disregard for  
38 the safety of others (RCW 79A.60.050)

1 Indecent Liberties (without forcible  
2 compulsion) (RCW 9A.44.100(1) (b) and  
3 (c))  
4 Introducing Contraband 1 (RCW 9A.76.140)  
5 Involving a minor in drug dealing (RCW  
6 69.50.401(f))  
7 Malicious placement of an explosive 3 (RCW  
8 70.74.270(3))  
9 Sending, bringing into state depictions of  
10 minor engaged in sexually explicit  
11 conduct (RCW 9.68A.060)  
12 Unlawful Possession of a Firearm in the  
13 first degree (RCW 9.41.040(1)(a))  
14 Use of a Machine Gun in Commission of a  
15 Felony (RCW 9.41.225)  
16 Vehicular Homicide, by disregard for the  
17 safety of others (RCW 46.61.520)

18 VI Bail Jumping with Murder 1 (RCW  
19 9A.76.170(3)(a))  
20 Bribery (RCW 9A.68.010)  
21 Incest 1 (RCW 9A.64.020(1))  
22 Intimidating a Judge (RCW 9A.72.160)  
23 Intimidating a Juror/Witness (RCW  
24 9A.72.110, 9A.72.130)  
25 Malicious placement of an imitation device  
26 2 (RCW 70.74.272(1)(b))  
27 Manufacture, deliver, or possess with  
28 intent to deliver narcotics from  
29 Schedule I or II (except heroin or  
30 cocaine) or flunitrazepam from  
31 Schedule IV (RCW 69.50.401(a)(1)(i))  
32 Rape of a Child 3 (RCW 9A.44.079)  
33 Theft of a Firearm (RCW 9A.56.300)  
34 Unlawful Storage of Anhydrous Ammonia (RCW  
35 69.55.020)

36 V Abandonment of dependent person 1 (RCW  
37 9A.42.060)

1 Advancing money or property for  
2 extortionate extension of credit (RCW  
3 9A.82.030)  
4 Bail Jumping with class A Felony (RCW  
5 9A.76.170(3)(b))  
6 Child Molestation 3 (RCW 9A.44.089)  
7 Criminal Mistreatment 1 (RCW 9A.42.020)  
8 Custodial Sexual Misconduct 1 (RCW  
9 9A.44.160)  
10 Delivery of imitation controlled substance  
11 by person eighteen or over to person  
12 under eighteen (RCW 69.52.030(2))  
13 Domestic Violence Court Order Violation  
14 (RCW 10.99.040, 10.99.050, 26.09.300,  
15 26.10.220, 26.26.138, 26.50.110,  
16 26.52.070, or 74.34.145)  
17 Endangerment with a Controlled Substance 1  
18 (section 1 of this act)  
19 Extortion 1 (RCW 9A.56.120)  
20 Extortionate Extension of Credit (RCW  
21 9A.82.020)  
22 Extortionate Means to Collect Extensions of  
23 Credit (RCW 9A.82.040)  
24 Incest 2 (RCW 9A.64.020(2))  
25 Kidnapping 2 (RCW 9A.40.030)  
26 Perjury 1 (RCW 9A.72.020)  
27 Persistent prison misbehavior (RCW  
28 9.94.070)  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Rendering Criminal Assistance 1 (RCW  
33 9A.76.070)  
34 Sexual Misconduct with a Minor 1 (RCW  
35 9A.44.093)  
36 Sexually Violating Human Remains (RCW  
37 9A.44.105)  
38 Stalking (RCW 9A.46.110)  
39 IV Arson 2 (RCW 9A.48.030)

1 Assault 2 (RCW 9A.36.021)  
2 Assault by Watercraft (RCW 79A.60.060)  
3 Bribing a Witness/Bribe Received by Witness  
4 (RCW 9A.72.090, 9A.72.100)  
5 Commercial Bribery (RCW 9A.68.060)  
6 Counterfeiting (RCW 9.16.035(4))  
7 Escape 1 (RCW 9A.76.110)  
8 Hit and Run--Injury (RCW 46.52.020(4)(b))  
9 Hit and Run with Vessel--Injury Accident  
10 (RCW 79A.60.200(3))  
11 Identity Theft 1 (RCW 9.35.020(2)(a))  
12 Indecent Exposure to Person Under Age  
13 Fourteen (subsequent sex offense) (RCW  
14 9A.88.010)  
15 Influencing Outcome of Sporting Event (RCW  
16 9A.82.070)  
17 Knowingly Trafficking in Stolen Property  
18 (RCW 9A.82.050(2))  
19 Malicious Harassment (RCW 9A.36.080)  
20 Manufacture, deliver, or possess with  
21 intent to deliver narcotics from  
22 Schedule III, IV, or V or nonnarcotics  
23 from Schedule I-V (except marijuana,  
24 amphetamine, methamphetamines, or  
25 flunitrazepam) (RCW 69.50.401(a)(1)  
26 (iii) through (v))  
27 Residential Burglary (RCW 9A.52.025)  
28 Robbery 2 (RCW 9A.56.210)  
29 Theft of Livestock 1 (RCW 9A.56.080)  
30 Threats to Bomb (RCW 9.61.160)  
31 Use of Proceeds of Criminal Profiteering  
32 (RCW 9A.82.080 (1) and (2))  
33 Vehicular Assault, by being under the  
34 influence of intoxicating liquor or  
35 any drug, or by the operation or  
36 driving of a vehicle in a reckless  
37 manner (RCW 46.61.522)  
38 Willful Failure to Return from Furlough  
39 (RCW 72.66.060)

1     III           Abandonment of dependent person 2 (RCW  
2                   9A.42.070)  
3           Assault 3 (RCW 9A.36.031)  
4           Assault of a Child 3 (RCW 9A.36.140)  
5           Bail Jumping with class B or C Felony (RCW  
6                   9A.76.170(3)(c))  
7           Burglary 2 (RCW 9A.52.030)  
8           Communication with a Minor for Immoral  
9                   Purposes (RCW 9.68A.090)  
10          Criminal Gang Intimidation (RCW 9A.46.120)  
11          Criminal Mistreatment 2 (RCW 9A.42.030)  
12          Custodial Assault (RCW 9A.36.100)  
13          Delivery of a material in lieu of a  
14                   controlled substance (RCW  
15                   69.50.401(c))  
16          Endangerment with a Controlled Substance 2  
17                   (section 2 of this act)  
18          Escape 2 (RCW 9A.76.120)  
19          Extortion 2 (RCW 9A.56.130)  
20          Harassment (RCW 9A.46.020)  
21          Intimidating a Public Servant (RCW  
22                   9A.76.180)  
23          Introducing Contraband 2 (RCW 9A.76.150)  
24          Maintaining a Dwelling or Place for  
25                   Controlled Substances (RCW  
26                   69.50.402(a)(6))  
27          Malicious Injury to Railroad Property (RCW  
28                   81.60.070)  
29          Manufacture, deliver, or possess with  
30                   intent to deliver marijuana (RCW  
31                   69.50.401(a)(1)(iii))  
32          Manufacture, distribute, or possess with  
33                   intent to distribute an imitation  
34                   controlled substance (RCW  
35                   69.52.030(1))  
36          Patronizing a Juvenile Prostitute (RCW  
37                   9.68A.100)  
38          Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW  
2 9.40.120)  
3 Possession of Machine Gun or Short-Barreled  
4 Shotgun or Rifle (RCW 9.41.190)  
5 Promoting Prostitution 2 (RCW 9A.88.080)  
6 Recklessly Trafficking in Stolen Property  
7 (RCW 9A.82.050(1))  
8 Securities Act violation (RCW 21.20.400)  
9 Tampering with a Witness (RCW 9A.72.120)  
10 Telephone Harassment (subsequent conviction  
11 or threat of death) (RCW 9.61.230)  
12 Theft of Livestock 2 (RCW 9A.56.080)  
13 Unlawful Imprisonment (RCW 9A.40.040)  
14 Unlawful possession of firearm in the  
15 second degree (RCW 9.41.040(1)(b))  
16 Unlawful Use of Building for Drug Purposes  
17 (RCW 69.53.010)  
18 Vehicular Assault, by the operation or  
19 driving of a vehicle with disregard  
20 for the safety of others (RCW  
21 46.61.522)  
22 Willful Failure to Return from Work Release  
23 (RCW 72.65.070)  
24 II Computer Trespass 1 (RCW 9A.52.110)  
25 Counterfeiting (RCW 9.16.035(3))  
26 Create, deliver, or possess a counterfeit  
27 controlled substance (RCW  
28 69.50.401(b))  
29 Escape from Community Custody (RCW  
30 72.09.310)  
31 Health Care False Claims (RCW 48.80.030)  
32 Identity Theft 2 (RCW 9.35.020(2)(b))  
33 Improperly Obtaining Financial Information  
34 (RCW 9.35.010)  
35 Malicious Mischief 1 (RCW 9A.48.070)  
36 Possession of controlled substance that is  
37 either heroin or narcotics from  
38 Schedule I or II or flunitrazepam from  
39 Schedule IV (RCW 69.50.401(d))

1 Possession of phencyclidine (PCP) (RCW  
2 69.50.401(d))  
3 Possession of Stolen Property 1 (RCW  
4 9A.56.150)  
5 Theft 1 (RCW 9A.56.030)  
6 Theft of Rental, Leased, or Lease-purchased  
7 Property (valued at one thousand five  
8 hundred dollars or more) (RCW  
9 9A.56.096(4))  
10 Trafficking in Insurance Claims (RCW  
11 48.30A.015)  
12 Unlawful Practice of Law (RCW 2.48.180)  
13 Unlicensed Practice of a Profession or  
14 Business (RCW 18.130.190(7))  
15 I Attempting to Elude a Pursuing Police  
16 Vehicle (RCW 46.61.024)  
17 False Verification for Welfare (RCW  
18 74.08.055)  
19 Forged Prescription (RCW 69.41.020)  
20 Forged Prescription for a Controlled  
21 Substance (RCW 69.50.403)  
22 Forgery (RCW 9A.60.020)  
23 Malicious Mischief 2 (RCW 9A.48.080)  
24 Possess Controlled Substance that is a  
25 Narcotic from Schedule III, IV, or V  
26 or Non-narcotic from Schedule I-V  
27 (except phencyclidine or  
28 flunitrazepam) (RCW 69.50.401(d))  
29 Possession of Stolen Property 2 (RCW  
30 9A.56.160)  
31 Reckless Burning 1 (RCW 9A.48.040)  
32 Taking Motor Vehicle Without Permission  
33 (RCW 9A.56.070)  
34 Theft 2 (RCW 9A.56.040)  
35 Theft of Rental, Leased, or Lease-purchased  
36 Property (valued at two hundred fifty  
37 dollars or more but less than one  
38 thousand five hundred dollars) (RCW  
39 9A.56.096(4))

1 Unlawful Issuance of Checks or Drafts (RCW  
2 9A.56.060)  
3 Unlawful Use of Food Stamps (RCW 9.91.140  
4 (2) and (3))  
5 Vehicle Prowl 1 (RCW 9A.52.095)

6 **Sec. 5.** RCW 13.34.132 and 2000 c 122 s 16 are each amended to read  
7 as follows:

8 A court may order that a petition seeking termination of the parent  
9 and child relationship be filed if the following requirements are met:

10 (1) The court has removed the child from his or her home pursuant  
11 to RCW 13.34.130;

12 (2) Termination is recommended by the supervising agency;

13 (3) Termination is in the best interests of the child; and

14 (4) Because of the existence of aggravated circumstances,  
15 reasonable efforts to unify the family are not required.  
16 Notwithstanding the existence of aggravated circumstances, reasonable  
17 efforts may be required if the court or department determines it is in  
18 the best interests of the child. In determining whether aggravated  
19 circumstances exist by clear, cogent, and convincing evidence, the  
20 court shall consider one or more of the following:

21 (a) Conviction of the parent of rape of the child in the first,  
22 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
23 9A.44.079;

24 (b) Conviction of the parent of criminal mistreatment of the child  
25 in the first or second degree as defined in RCW 9A.42.020 and  
26 9A.42.030;

27 (c) Conviction of the parent of endangerment with a controlled  
28 substance in the first or second degree as defined in sections 1 and 2  
29 of this act, when the child is the victim;

30 (d) Conviction of the parent of one of the following assault  
31 crimes, when the child is the victim: Assault in the first or second  
32 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child  
33 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

34 (~~(d)~~) (e) Conviction of the parent of murder, manslaughter, or  
35 homicide by abuse of the child's other parent, sibling, or another  
36 child;

1       ~~((e))~~ (f) Conviction of the parent of attempting, soliciting, or  
2 conspiring to commit a crime listed in (a), (b), (c), ~~((e))~~ (d), or  
3 (e) of this subsection;

4       ~~((f))~~ (g) A finding by a court that a parent is a sexually  
5 violent predator as defined in RCW 71.09.020;

6       ~~((g))~~ (h) Failure of the parent to complete available treatment  
7 ordered under this chapter or the equivalent laws of another state,  
8 where such failure has resulted in a prior termination of parental  
9 rights to another child and the parent has failed to effect significant  
10 change in the interim. In the case of a parent of an Indian child, as  
11 defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec.  
12 1903), the court shall also consider tribal efforts to assist the  
13 parent in completing treatment and make it possible for the child to  
14 return home;

15       ~~((h))~~ (i) An infant under three years of age has been abandoned;

16       ~~((i))~~ (j) Conviction of the parent, when a child has been born of  
17 the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B)  
18 incest under RCW 9A.64.020.

19       **Sec. 6.** RCW 43.43.830 and 1999 c 45 s 5 are each amended to read  
20 as follows:

21       Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout RCW 43.43.830 through 43.43.840.

23       (1) "Applicant" means:

24       (a) Any prospective employee who will or may have unsupervised  
25 access to children under sixteen years of age or developmentally  
26 disabled persons or vulnerable adults during the course of his or her  
27 employment or involvement with the business or organization;

28       (b) Any prospective volunteer who will have regularly scheduled  
29 unsupervised access to children under sixteen years of age,  
30 developmentally disabled persons, or vulnerable adults during the  
31 course of his or her employment or involvement with the business or  
32 organization under circumstances where such access will or may involve  
33 groups of (i) five or fewer children under twelve years of age, (ii)  
34 three or fewer children between twelve and sixteen years of age, (iii)  
35 developmentally disabled persons, or (iv) vulnerable adults; or

36       (c) Any prospective adoptive parent, as defined in RCW 26.33.020.

37       (2) "Business or organization" means a business or organization  
38 licensed in this state, any agency of the state, or other governmental

1 entity, that educates, trains, treats, supervises, houses, or provides  
2 recreation to developmentally disabled persons, vulnerable adults, or  
3 children under sixteen years of age, including but not limited to  
4 public housing authorities, school districts, and educational service  
5 districts.

6 (3) "Civil adjudication" means a specific court finding of sexual  
7 abuse or exploitation or physical abuse in a dependency action under  
8 RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In  
9 the case of vulnerable adults, civil adjudication means a specific  
10 court finding of abuse or financial exploitation in a protection  
11 proceeding under chapter 74.34 RCW. It does not include administrative  
12 proceedings. The term "civil adjudication" is further limited to court  
13 findings that identify as the perpetrator of the abuse a named  
14 individual, over the age of eighteen years, who was a party to the  
15 dependency or dissolution proceeding or was a respondent in a  
16 protection proceeding in which the finding was made and who contested  
17 the allegation of abuse or exploitation.

18 (4) "Conviction record" means "conviction record" information as  
19 defined in RCW 10.97.030(3) relating to a crime against children or  
20 other persons committed by either an adult or a juvenile. It does not  
21 include a conviction for an offense that has been the subject of an  
22 expungement, pardon, annulment, certificate of rehabilitation, or other  
23 equivalent procedure based on a finding of the rehabilitation of the  
24 person convicted, or a conviction that has been the subject of a  
25 pardon, annulment, or other equivalent procedure based on a finding of  
26 innocence. It does include convictions for offenses for which the  
27 defendant received a deferred or suspended sentence, unless the record  
28 has been expunged according to law.

29 (5) "Crime against children or other persons" means a conviction of  
30 any of the following offenses: Aggravated murder; first or second  
31 degree murder; first or second degree kidnaping; first, second, or  
32 third degree assault; first, second, or third degree assault of a  
33 child; first, second, or third degree rape; first, second, or third  
34 degree rape of a child; first or second degree robbery; first degree  
35 arson; first degree burglary; first or second degree manslaughter;  
36 first or second degree extortion; indecent liberties; incest; vehicular  
37 homicide; first degree promoting prostitution; communication with a  
38 minor; unlawful imprisonment; simple assault; sexual exploitation of  
39 minors; first or second degree criminal mistreatment; first or second

1 degree endangerment with a controlled substance; child abuse or neglect  
2 as defined in RCW 26.44.020; first or second degree custodial  
3 interference; first or second degree custodial sexual misconduct;  
4 malicious harassment; first, second, or third degree child molestation;  
5 first or second degree sexual misconduct with a minor; patronizing a  
6 juvenile prostitute; child abandonment; promoting pornography; selling  
7 or distributing erotic material to a minor; custodial assault;  
8 violation of child abuse restraining order; child buying or selling;  
9 prostitution; felony indecent exposure; criminal abandonment; or any of  
10 these crimes as they may be renamed in the future.

11 (6) "Crimes relating to drugs" means a conviction of a crime to  
12 manufacture, delivery, or possession with intent to manufacture or  
13 deliver a controlled substance.

14 (7) "Crimes relating to financial exploitation" means a conviction  
15 for first, second, or third degree extortion; first, second, or third  
16 degree theft; first or second degree robbery; forgery; or any of these  
17 crimes as they may be renamed in the future.

18 (8) "Disciplinary board final decision" means any final decision  
19 issued by a disciplining authority under chapter 18.130 RCW or the  
20 secretary of the department of health for the following businesses or  
21 professions:

- 22 (a) Chiropractic;
- 23 (b) Dentistry;
- 24 (c) Dental hygiene;
- 25 (d) Massage;
- 26 (e) Midwifery;
- 27 (f) Naturopathy;
- 28 (g) Osteopathic medicine and surgery;
- 29 (h) Physical therapy;
- 30 (i) Physicians;
- 31 (j) Practical nursing;
- 32 (k) Registered nursing; and
- 33 (l) Psychology.

34 "Disciplinary board final decision," for real estate brokers and  
35 salespersons, means any final decision issued by the director of the  
36 department of licensing for real estate brokers and salespersons.

37 (9) "Unsupervised" means not in the presence of:

- 38 (a) Another employee or volunteer from the same business or  
39 organization as the applicant; or

1 (b) Any relative or guardian of any of the children or  
2 developmentally disabled persons or vulnerable adults to which the  
3 applicant has access during the course of his or her employment or  
4 involvement with the business or organization.

5 (10) "Vulnerable adult" means "vulnerable adult" as defined in  
6 chapter 74.34 RCW, except that for the purposes of requesting and  
7 receiving background checks pursuant to RCW 43.43.832, it shall also  
8 include adults of any age who lack the functional, mental, or physical  
9 ability to care for themselves.

10 (11) "Financial exploitation" means the illegal or improper use of  
11 a vulnerable adult or that adult's resources for another person's  
12 profit or advantage.

13 (12) "Agency" means any person, firm, partnership, association,  
14 corporation, or facility which receives, provides services to, houses  
15 or otherwise cares for vulnerable adults.

16 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and takes effect  
19 immediately.

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